

Message Text

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ACTION AID-05

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TO FAS USDA WASHDC

INFO SECSTATE WASHDC 8871

UNCLAS DAMASCUS 4990

WALLACE, POD, OGSM FROM AGATT

TOFAS 81

E.O. 11652: N/A

SUBJECT: TITLE I, PL 480 TOBACCO TENDER SY-5005

REF: (A) STATE 181810 (B) STATE 171716

1. THE GENERAL ORGANIZATION FOR TOBACCO (GOT) HAS REVIEWED COMMENTS AND CHANGES RECOMMEND IN REF (B) AND REVISED TENDER LANGUAGE SUBSTANTIALLY. THE REVISED TENDER DRAFT IN ARABIC WAS TRANSLATED INTO ENGLISH AND IS GIVEN BELOW IN ITS ENTIRETY WITH THE EXCEPTION OF THE TEXT OF THE PERFORMANCE BOND AND THE LIST OF QUANTITIES AND SPECIFICATIONS OF TOBACCO (ORIGINAL LANGUAGE BEING ENGLISH), BOTH OF WHICH WERE SUBMITTED TO OGSM BY PITCHER AIRCOMM DATED 5/26/76. IT SHOULD BE NOTED THAT GOT WILL NOT REQUIRE A BID BOND. IT WILL RELEASE THE PERFORMANCE BOND AFTER FINAL ACCEPTANCE WHICH INVOLVES THE EXAMINATION OF THE TOBACCO UPON RECEIPT IN SYRIA WHICH TAKES 30 TO 45 DAYS AFTER CLEARING THE TOBACCO FROM THE SYRIAN CUSTOMS. THE GOT PLANS TO ISSUE THE TENDER IN ARABIC AND FRENCH, THE USUAL LANGUAGES IT USES FOR TENDERS. GOT STATES THAT US TOBACCO EXPORTERS ARE FAMILIAR WITH FRENCH LANGUAGE TEXTS OF GOT TENDERS.

2. TEXT OF PROPOSED TENDER IS AS FOLLOWS: QUOTE.
BOOK OF SPECIFICATIONS, INVITATION FOR OFFERS NO. FOR
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THE SUPPLY OF TOBACCO.

ART. 1-OBJECT OF THE CALL: THE OBJECT OF THIS BOOK OF SPECIFICATIONS IS TO SUPPLY TOBACCO SPECIFIED IN THE ATTACHED TABLE ACCORDING TO CONDITIONS SPECIFIED IN THE PARAGRAPHS BELOW. / SINCE THE PURCHASE WILL BE CONCLUDED BY THE GENERAL ORGANIZATION FOR TOBACCO, HEREAFTER REFERRED TO AS THE BUYER, SUBJECT TO THE PROVISIONS OF THE TITLE I, P.L. 480 REGULATIONS AND PURCHASE AUTHORIZATION (PA) SY-5005, THE PURCHASE SHALL REMAIN WITHIN THE SUM ALLOCATED FOR THE LOAN AND SHALL BE OF A DEFINATE QUANTITY OF 1,200 METRIC TONS AS A MAXIMUM.

ART. 2 - PRESENTATION OF OFFERS AND SAMPLES: - IMMEDIATELY UPON RECEIPT OF THE BOOK OF SPECIFICATIONS, THE TENDERER SHOULD PREPARE SAMPLES OF REQUIRED TOBACCOS AND SHOULD MAIL THEM TO THE GENERAL ORGANIZATION OF TOBACCO, DIRECTORATE GENERAL, P.O. BOX 616, DAMASCUS, OR BRING THEM WITH HKM TO DAMASCUS ALONG WITH THE OFFER, WITHIN 15 DAYS OF RECEIPT OF THE INVITATION OF OFFERS. ANY OFFER RECEIVED AFTER THE SET DATE SHALL BE IGNORED. THE WEIGHT OF EACH SAMPLE SHOULD NOT BE LESS THAN 3 KILOGRAMS.

ART- 3 - DECIDING UPON OFFERS: - UPON EXAMINATION OF THE SAMPLES PRESENTED, THE BUYER PROCEEDS TO DECIDE UPON OFFERS WITHIN 10 DAYS OF THE DEADLINE SET FORTH IN ARTICLE 2.

ART. 4 - MODALITY OF OFFERS: - THE OFFER SHOULD BE PRESENTED IN FIVE COPIES AND INSERTED IN A WHITE ENVELOPE BEARING THE FOLLOWING: INVITATION OF OFFERS NO. FOR THE SUPPLY OF TOBACCO. THE ENVELOPE SHOULD BEAR NO IMPRESSION AND SHOULD BE INSERTED IN A SECOND ENVELOPE BEARING THE ADDRESS OF THE BUYER; ATTACHED TO IT SHOULD BE THE CARD BEARING THE NUMBER OF THE CALL FOR OFFERS HEREWITH ATTACHED.

ART. 5 - ESTABLISHMENT OF OFFERS: - OFFERED PRICES SHOULD BE FIXED AND ESTABLISHED ON THE BASIS OF NET KILOGRAM, FAS SHIPPING PORT. THE TENDERER SHOULD ALSO INDICATE: - EXACT NAME OF SHIPPING PORT, AND - NUMBER AND NATURE OF SHIPPING CONTAINERS, THEIR APPROXIMATE GROSS WEIGHT AND SIZE IN CUBIC FEET.

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ART. 6 IMPLEMENTATION OF COMMITMENT: - THE TENDERER SHOULD SUBMIT, ALONG WITH THE OFFER, A STATEMENT IN WHICH HE COMMITS HIMSELF TO HIS READINESS TO SUPPLY THE GOODS OFFERED IMMEDIATELY UPON HIS PRESENTING THE OFFER TO THE BUYER, IN ALL CIRCUMSTANCES, AND SUBJECT TO A PENALTY, UNLESS THE CAUSE IS FORCE MAJEURE OR AN UNFORESEEN INCIDENT.

ART. - GUARANTEE: - TENDERERS WHOSE OFFERS

ARE ACCEPTED SHOULD, WITHIN A PERIOD OF 10 DAYS FROM THE DATE OF NOTIFICATION OF CONFIRMATION OF THE FINAL ORDER, PROCEED TO PRESENT A BOND AT THE RATE OF 10 PERCENT OF THE VALUE OF THE TRANSACTION AWORDED THEM. THIS SHOULD BE DONE PRIOR TO OPENING THE LETTER OF CREDIT. THIS BOND SHALL BE IN THE FORM OF A BANK GUARANTEE ISSUED BY A SYRIAN BANK AND ESTABLISHED IN ARABIC ACCORDING TO THE TEXT SPECIFIED BY THE SYRIAN MINISTRY OF FINANCE, TRANSLATION OF WHICH IS HEREWITH ATTACHED. THE PURPOSE OF THIS BOND IS TO COVER THE TERMS OF THE CONTRACT; AND IT SHALL NOT BE RETURNED TO THE SELLER EXCEPT AFTER IMPLEMENTATION OF THE ENTIRE ORDER AND AFTER FINAL ACCEPTANCE OF THE GOODS ORDERED IN BOTH QUANTITY QUALITY. THIS QUARANTEE SPECIALLY SERVES TO GUARANTEE STABILIZATION OF PRICES, OBSERVANCE OF SHIPMENT DATE, CONFORMITY OF GOODS WITH SPECIFICATIONS AND PROPERTIES CITED IN THE CONTRACT, AND THEIR CONFORMITY WITH THE BASIC SAMPLE.

ART. 8 - PACKAGING OF TOBACCO: - IT IS PREFERABLE THAT THE TOBACCO IS PACKAGED IN HOGSHEADS.

ART. 9 - DELIVERY: THE SELLER WILL UNDERTAKE TO PREPARE THE TOBACCO IN FULL AND TO DELIVER THE DOCUMENTS DEFINATELY BEFORE BEFORE SEPTEMBER 30, 1976.

ART. 10 - SEA FREIGHT: - SEA SHIPMENT OF THE TOBACCO SHALL BE ARRANGED BY THE GOVERNMENTAL OFFICE IN OUR COUNTRY, THE SYRIAN GENERAL AUTHORITY FOR MARITIME TRANSPORT (SYRIAMAR), WHOSE AGENT ABROAD WILL COMMUNICATE IN DUE TIME WITH THE SELLER FOR DELIVERY OF THE TOBACCO AT THE SHIPPING PORT (FAS VESSEL).

ART. 11 - REPRESENTATIVES AND LOCAL AGENTS: - ALL CONTACTS HAVE TO BE MADE DIRECTLY WITH THE BUYER WITHOUT ANY INTERMEDIARIES.
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NO AGENT OR REPRESENTATIVE MAY BE USED.

ART. 12 - RIGHT TO REJECT OFFERS - THE BUYER RESERVES THE RIGHT TO TURN DOWN AND DISREGARD ANY OFFER WITHOUT GIVING ANY REASON FOR ITS DOING SO, IN LINE WITH ITS INTERNAL POLICY AND PRIVATE INTEREST.

ART. 13 - EVALUATION OF OFFERS: - IN SELECTING OFFERS, THE BUYER IS BOUND ONLY BY THE FOLLOWING TWO CONDITIONS: -) CONFORMITY OF OFFER WITH TECHNICAL SPECIFICATIONS, AND B) LOWEST PRICE OFFERED. THE BUYER RESERVES THE RIGHT TO DISTRIBUTE AND SPLIT THE ORDER AMONG SEVERAL TENDERERS, WHO SHOULD REMAIN COMMITTED TO GOING THROUGH WITH THE TRANSACTIONS ENTRUSTED THEM.

ART. 14 - OWNERSHIP OF OFFERS: - EVERY OFFER SUBMITTED

BECOMES THE BUYER'S PROPERTY AND CANNOT BE RECLAIMED BY TENDERERS.

ART. 15 - MODALITY OF PAYMENT: - UPON CONFIRMATION OF AN ORDER, THE VALUE OF THE TRANSACTION SHALL BE PAID FROM THE AMERICAN TREASURY IN ACCORDANCE WITH THE PROVISIONS OF TITLE I, P.L. 480 REGULATIONS AND PA SY-5005, IMMEDIATELY UPON PRESENTATION OF BILLS OF LADING AND CERTIFIED ORIGINAL DOCUMENTS TO THE INTERMEDIARY BANK.

ART. 16 - ACCEPTANCE OF TOBACCOS: THE TOBACCO PURCHASED WILL BE EXAMINED IN THE UNITED STATES BY THE ASCS AND USDA TO DETERMINE THEIR QUANTITY AND QUALITY, AND TO GRANT THE NECESSARY APPROVAL CONFIRMING THAT THE PRICES OF THESE TOBACCOS CORRESPOND WITH AMERICAN MARKET PRICES. QUANTITATIVE AND QUALITATIVE ACCEPTANCE OF THE TOBACCO WILL ALSO BE CARRIED OUT UPON ARRIVAL BY A COMMISSION OF EXPERT NOMINATED BY THE BUYER. THE BUYER RESERVES THE RIGHT TO REJECT GOODS NOT CONFORMING WITH THE BASIC SAMPLE. IN THE CASE OF THE BUYER ACCEPTING THESE GOODS, IT RETAINS THE RIGHT TO REDUCE THE PRICE AT THE RATE OF ESTABLISHED INFERIORITY, AND TO REFUND THE PRICE DIFFERENCE FROM THE BOND.

ART. 17 - LITIGATION: IN THE EVENT OF A LEGAL DISPUTE ARISING FROM THE PRESENT CALL FOR OFFERS OR FROM ORDERS TRANSACTED ACCORDINGLY, ONLY THE LAW COURTS OF THE SYRIAN ARAB REPUBLIC ARE ENTITLED TO SETTLE THEM.
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ART. 18 - ENGAGEMENT: - EVERY OFFER SHOULD INCLUDE THE FOLLOWING ENGAGEMENT: WE DECLARE THAT WE HAVE TAKEN NOTE OF THE TERMS OF OF INVITATION OF OFFERS NO. - FOR THE SUPPLY OF TOBACCOS AS CITED IN THE BOOK OF SPECIFICATIONS AND THE TABLE THEREWITH ATTACHED, AND THAT WE ACCEPT THESE TERMS FULLY WITHOUT RESERVATIONS. DAMASCUS, (DATE), (SIGNED). UNQUOTE.

3. PLEASE PROVIDE YOUR APPROVAL, AND OR COMMENTS, ASAP.
PELLETREAU

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Message Attributes

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Disposition Event:
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